

Application Serial Number 10/636,637
Response to Office Action
Dated February 24, 2006

REMARKS / DISCUSSION OF ISSUES

Claims 1-8 and 12 are presently under substantive examination. Claim 1 is in independent form. Unless indicated otherwise, claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language.

Objection to the Drawings

The objections to the drawings have been considered and are respectfully traversed. Notably, the objected-to terms in Figs. 1 and 10 are described in the filed application at page 7, lines 2 and 3 (i.e., change in a physical property). Furthermore, the terms of Figs. 4 and 6 are well known to those skilled in electrical circuits and thus require no further explanation in the filed application.

Accordingly, Applicants respectfully submit that the objections to the drawings are improper and should be withdrawn.

Objection to the Specification

The objections to the specification have been considered and are respectfully traversed. To wit, the use of a comma at the noted portion of the Abstract is one of style and thus does not impact the meaning of the Abstract. The term 'RF' is well known in many technical fields as standing for radio frequency. There is no need to include the term from which this standard abbreviation is derived.

Accordingly, Applicants respectfully submit that the objections to the specification are improper and should be withdrawn.

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Objections to the Claims

The objections to the claims have been addressed, and where appropriate, amended. However, Applicants respectfully submit that certain objections are improper.

First, the comma in claim 3 is supererogatory.

Second, the objected-to feature of claim 4 further limits claim 1. In particular, claim 1 features "...a resonance circuit comprising a resonance frequency (f) determining sensor element (5, 31, 32,) or being electrically coupled to a resonance frequency determining sensor element..." Claim 4 features that the sensor element forms a part of the resonance, but not in the alternative as featured in claim 1. Moreover, the term 'comprises' connotes a part of as well as the entire component. Thus, claim 4 further limits claim 1.

Rejections Under 35 U.S.C. § 112

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph. These rejections have been addressed, excepting the following:

1. The term 'resonance frequency determining' defines the 'sensor element.' This is plain from the reading of the claim.
2. The term RF is well-known and thus needs not be defined.

Finally, Applicants submit that the claims as amended are to be examined substantively, and Applicants are not beholden to the Examiner's interpretation set forth in the Office Action.

For at least the reasons set forth above, the rejection of claims 1-8 is believed to be moot or improper and should be withdrawn.

Rejections Under 35 U.S.C. § 103

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1. Claims 1, 4, 5, 8 and 12 were rejected under 35 U.S.C. § 103(a) as being obvious over *Oyama, et al.* and *Ruile, et al.* For at least the reasons set forth below, Applicants respectfully submit that this rejection is improper and should be withdrawn.

Claim 1 recites:

"...a remote power transmission element (3, 101), a resonance circuit, said resonance circuit comprising a resonance frequency (f) determining sensor element (5, 31, 32,) or being electrically coupled to a resonance frequency determining sensor element (33, 71), *wherein binding at the biomolecular binding sites (5a) affects a physical property of the sensor element (5, 31, 32, 33, 71) and thereby the resonance frequency, and a circuit for RF communication of an RF signal in dependence of the resonance frequency of the resonance circuit.*"

In an embodiment described in connection with Fig. 1 of the filed application, the circuit for RF frequency emits a signal dependent on said change Δf . The signal could be a signal at the resonance frequency itself. This signal is emitted by the device 1 and received by receiver 7, which thus receives a signal comprising information on the change Δf in the resonance frequency f. This receiver 7 may have an analyser for analysing the change Δf or send the received signal to an analyser for analysing the change Δf . Thus, the resonance frequency and an RF circuit for RF communication of an RF signal are affected by the change in the physical property due to the sites.

By contrast, the reference to *Ruile, et al.* is drawn to a radio-interrogated surface waver sensor, in which element 12 is a variable impedance that is electrically connected to a surface wave structure 26. An RF signal 30 is interrogative of the structure 26 and creates surface acoustic waves therein. The element 12 acts as a terminating impedance for a RF voltage. This voltage is produced in the structure 26 by virtue of the acoustic surface wave. Since the electrical impedance of element 12 changes with the amplitude of the surface waves in the structure 26, the terminating impedance of the structure also

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changes. Thus, element 12 acts as a terminating impedance and is affected by the amplitude of the structure 26. However, as relied upon by the Examiner, *Ruile, et al.* does not disclose the noted features of claim 1: namely that the resonance frequency of an *RF communication device* is affected by the sensor.

For at least the reasons set forth above, Applicants respectfully submit that the rejection of claim 1 and the claims that depend therefrom is improper. As such, and while in no way conceding as to the propriety of the combination of references, Applicants submit that claim 1 and the claims that depend therefrom are patentable over the applied art.

2. Claims 2, 3, 6 and 7 were rejected as being obvious over *Oyama, et al.* and *Ruile, et al.* and tertiary references. These claims depend from claim 1 directly or indirectly. For at least the reasons set forth above, Applicants respectfully submit that these claims are patentable at least because of their dependence on claim 1.

Conclusion

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

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